

REMARKS

Reconsideration of the pending application is respectfully requested on the basis of the following particulars:

1. Amendments and Support for Same

By this Amendment, claims 46-48 have been amended to further clarified the features of the claimed invention. Method claim 47 has been amended to correspond to the features in device claim 46. Claim 45 has been cancelled. No matter has been added.

2. Rejections under 35 U.S.C. §103(a)

With respect to the rejection of claims 45-48 under 35 U.S.C. §103(a) as being unpatentable over Wasilewski (US 6,157,719), in view of Marshall (US 7,710,601), Applicant respectfully traverses the rejection at least for the reason that Wasilewski and Marshall, combined or separately, fail to teach, disclose, or suggest all of the limitation recited in the rejected claims.

Regarding Claim 46, Wasilewski generally describes that an event is decoded when time stamp indicates a time within the period indicated by purchase time 1707 and end time 1709, as discussed in col. 39, lines 2-6 of Wasilewski, while the event has not cancelled. The end time 1709 is described as the time the event is to end, as shown in col. 31, line 27 in Wasilewski). Thus, col. 39, lines 2-6 of Wasilewski discloses that purchased event is decoded until end time, and the above-summarized process for judging is to specify playback section for charging.

On the other hand, the present invention of Claim 46 is characterized in that “decoding a specified playback section with the use of ECM when the number of ECM is not exceeding the upper limit described as the pre-viewable period”. Support for the claimed features can be found in, e.g., Step S103 - S105 in Fig. 16 of the specification. Therefore, the upper limit of the present invention is apparently different from “end time” disclosed in Wasilewski.

According to Applicant’s claimed invention, it is possible to preview while the number of ECM is not exceed the upper limit within the scope of pre-viewable period which

is determined by the transmitting device. For example, if the pre-viewable limit is 30 minutes from the start of the content and the pre-viewable period is corresponding to 5 minutes, end time varies such as 5:00 (when start time is 0:00) or 11:00 (when start time is 6:00) etc. within 30 minutes from the start.

In contrast to Applicant's claimed invention, Wasilewski describes in col. 36, lines 3-5, that "Free preview 2219 is a flag that indicates that the ECM is accompanying a portion of the service instance that is a free preview". However, it only discloses that free preview 2219 is viewable while the flag is on (i.e. fixed period).

Further, Wasilewski states that Free preview flag 2219 may also be set to indicate that the portion of the event instance accompanied by the ECM is part of the free preview, and cancel window flag 2231 may further be set to indicate that the event can still be canceled. If free preview flag 2219 is set, DHCTSE 627 simply looks for a MSK NVSC 1601 in EA information 1333 that contains the MSK specified by MSK ID 2213 in the ECM. If the DHCTSE 627 finds one that is valid, it decrypts control word 2235. If free preview flag 2219 is not set, DHCTSE 627 goes to the event NVSC 1701 having the entitlement ID 1713 that is the same as one in ECM field 2245.

In view of the description of the preview flag 2219 of Wasilewski, Applicant respectfully asserts that ECM-counting-process for specifying various playback section is not disclosed in Wasilewski, and that the preview described by Wasilewski is different in feature and implementation than that of the presently claimed invention.

Similar to Wasilewski, Marshall also fails to teach, disclose, or suggest ECM-counting for specifying various playback section. That is, similar to Wasilewski, Marshall also fails to teach, disclose, or suggest at least a counting part for counting the number of reception of ECM, and a judging part for judging whether said preview limit of received ECM has passed said current time or not, a preview generating part for decoding a specified playback section and generating preview with the use of said ECM which is within the limits of pre-viewable time period and is not exceeding the upper limit described as the pre-viewable period, when judging said preview limit of received ECM has not passed the time described as said time information, as recited in amended device claim 46 and its parallel method claim 47.

In view of the amendment and arguments set forth above, Applicant respectfully requests reconsideration and withdrawal of the §103(a) rejection of claims 45-48.

3. Conclusion

In view of the amendments to the claims, and in further view of the foregoing remarks, it is respectfully submitted that the application is in condition for allowance. Accordingly, it is requested that claims 46-48 be allowed and the application be passed to issue.

If any issues remain that may be resolved by a telephone or facsimile communication with the Applicant's representative, the Examiner is invited to contact the undersigned at the numbers shown.

Further, while no fees are believed to be due, the Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 50-4525.

Respectfully submitted,

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